

HIGH SEAS FISHERY COMPLIANCE ACT PERMITS

COMPLIANCE GUIDE FOR REVISED REGULATIONS, JANUARY 2016

NMFS has revised regulations that will improve the administration of the High Seas Fishing Compliance Act (HSFCA) program and facilitate the monitoring of vessels operating on the high seas. The revised regulations include, for all high seas fishing vessels, adjustments to permitting and reporting procedures. It includes requirements for the installation and operation of vessel monitoring system units, placement of observers on vessels, and reporting of transshipments on the high seas to fill, for high seas areas, gaps in the monitoring, control, and surveillance of vessels and activities not covered by other fisheries-related regulations. Although varying, existing regulations govern fishing on the high seas, this rule establishes a minimum set of requirements to facilitate monitoring and surveillance of all vessels operating on the high seas. Establishing minimum standard and closing regulatory gaps will improve the Agency's ability to enforce international conservation and management measures with respect to U.S. vessels operating on the high seas.

General

1. When did the revised high seas permit regulations go into effect?

The revised regulations went into effect on January 14, 2016.

2. Since the revised regulations go into effect during active permit periods, will active permits become void until the new requirements are completed? Or will they apply when the permits are renewed?

After the revised regulations go into effect, current permits will remain valid, however permit holders will need to be in compliance with the new requirements for observers, VMS, and transshipment described below. For new and renewed permits, the new requirements will be applied at the time of permit issuance.

3. Will there be any changes to the duration/cost of the permit and the permit application process?

The high seas permit will continue to be valid for five years and cost \$129.00 (note that this fee is subject to annual review by NOAA for recovery of administrative costs). Permit applications should continue to be sent to the regional NMFS office that you normally interact with on fishery matters.

In the revised permit application, there is a new requirement to submit a recent color photo showing identifying markings of the high seas fishing vessel to be permitted.

4. Can I apply for or renew my high seas permit online?

Yes, you may do this by visiting our National Permits System website at:
https://fisheriespermits.noaa.gov/npspub/pub_cmn_login/index_live.jsp

Observer Requirement

4. Does the observer requirement apply to all vessels with a high seas permit?

The revised regulations allow NMFS to place an observer on board a high seas fishing vessel where observer coverage is not otherwise required by other regulations or relevant RFMO conservation and management measures, thus the requirement applies to all high seas fishing vessels. That being said, NMFS would carefully take into consideration both the scientific need for observer coverage as well as the characteristics of the fishery when designating high seas vessels for observer coverage under the revised regulations.

Transshipment Requirement

5. What is required to be in compliance with the new transshipment requirement?

In those instances where transshipment on the high seas is not prohibited under other legal authorities, the revised regulations require that U.S. high seas fishing vessels involved in transshipment on the high seas have on board a high seas fishing permit. The permitting requirement applies to both the vessel offloading the fish or fish product and the vessel receiving the fish or fish product. In addition to any other applicable requirements, the owner or operator of a U.S. vessel receiving or offloading fish or fish product on the high seas must notify NMFS at least 36 hours prior to each transshipment event, and submit a report on the transshipment event within 15 days after the vessel first enters into port, using the attached form.

Vessel Monitoring System (VMS)/Enhanced Mobile Transceiver Unit (EMTU) Requirement

6. I already have a type-approved VMS/EMTU on my vessel. Do I need to purchase a new VMS/EMTU to be in compliance with the new regulations?

Many vessels permitted to fish on the high seas are already required to operate EMTUs when at sea because they participate in fisheries with domestic EMTU requirements. Satisfying those requirements satisfies the new high seas permit requirement if the EMTU is type-approved by NOAA for high seas fisheries, operating at all times, providing hourly position reports while on the high seas, and if EMTU activation and power-down/power-up procedures are the same or are more restrictive than the high seas permit requirements.

7. If a permitted high seas vessel does not currently have a type-approved VMS/EMTU, do I have to get one?

All high seas vessels that do not have a VMS unit type-approved by NOAA for use on the high seas need to purchase and install one.

8. What are the VMS/EMTU units type-approved for use on the high seas?

The following units have been type-approved by the NOAA Office of Law Enforcement (OLE) for use on the high seas:

Faria Watchdog 750 VMS
CLS America Thorium TST A2.0
CLS America LEO A2.0
Network Innovations Sailor VMS Gold
Network Innovations Sailor VMS Gold Plus
Skymate I1500 VMS

Please check the NOAA Office of Law Enforcement website prior to purchase for the most up to date list:

(www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html, click “Approved VMS Units”).

The NOAA Office of Law Enforcement’s VMS Helpdesk provides both instructions for VMS installation and a list of the current type-approved VMS units and mobile communications service providers.

9. If I need to purchase a VMS unit, will NMFS reimburse me for the cost?

The vessel owner and operator are responsible for all costs associated with the purchase, installation, and maintenance of the VMS unit, and for all charges levied by the mobile communications service provider. However, federal funds may be available to vessel owners or operators for reimbursement of the cost of purchasing type-approved VMS units.

Vessel owners are reimbursed on a first-come, first-served basis until funds for the reimbursement program are exhausted. The standard processing time is within 30 days of a completed application.

Information on both the VMS Reimbursement Program and the steps required for reimbursement is available online: www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms?pid=17.

10. Can the VMS/EMTUs be turned off while in the EEZ?

In an effort to minimize the regulatory burden associated with the new EMTU requirement, high seas vessels are exempt from EMTU requirements and can power down the EMTU if either of the following sets of conditions are met: (1) the vessel remains at a dock or permanent mooring for more than 72 consecutive hours (referred to as the in-port exemption), or (2) the vessel participates *exclusively* in a domestic fishery within the U.S. EEZ, for 30 or more consecutive days, and there are no other applicable requirements for any EMTU or VMS unit operation for those activities or fishery (referred to as the long-term exemption). Outside of these two exemptions, however, high seas vessels must operate their EMTUs in the EEZ. If a high seas vessel operator is unsure whether his vessel’s operations will qualify for the second exemption (exclusively participating in a domestic fishery within the U.S. EEZ for 30 or more consecutive days) because there is a possibility that the vessel may operate on the high seas for a portion of the trip, the high seas vessel operator should power up and operate the EMTU in the EEZ to insure compliance with these regulations.